

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH CAROLINA

IN RE:)	
)	Chapter 7
Joseph Robert Guernsey,)	
)	Case No. 08-02004-dd
Debtor.)	
_____)	Adversary Proceeding No. 08-80183-dd
)	
Horry County State Bank,)	
)	
Plaintiff,)	
)	
v.)	
)	
Joseph Robert Guernsey,)	
)	
Defendant.)	
_____)	

ORDER OF DEFAULT AND DEFAULT JUDGMENT

The relief set forth on the following pages, for a total of 3 pages including this page, is hereby **ORDERED**.

FILED BY THE COURT
10/31/2008



Entered: 11/03/2008

US Bankruptcy Court Judge
District of South Carolina

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Joseph Robert Guernsey,)	
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Defendant.)	
_____)	

ORDER OF DEFAULT AND DEFAULT JUDGMENT

This matter is before the Court on the Plaintiff's Motion for entry of an Order of Default and Default Judgment. Plaintiff filed this action seeking Judgment against the Defendant Joseph Robert Guernsey ("Defendant") in the amount of \$160,348.63, the costs of this action (collectively, "HCSB Debt"), a declaration of this Court that the HCSB Debt is non-dischargeable, and an order denying Defendant discharge.

Plaintiff filed the Adversary Complaint alleging that Defendant has failed to provide Plaintiff with sufficient information revealing the location of or information about the transfer of collateral securing the HCSB Debt, including both real and personal property. The Adversary Complaint also alleges that Defendant transferred such collateral in an attempt to thwart, defraud, and delay Plaintiff's collection efforts. The Adversary Complaint further alleges that Defendant failed to adequately describe this and other missing assets in his bankruptcy schedules, at the 341 Meeting of Creditors, and during his 2004 Examination conducted by the Chapter 7 Trustee and that this conduct by Defendant is violative of 11 U.S.C. §§ 523(a)(6), 727(a)(2), 727(a)(3), and

727(a)(5). The Adversary Complaint was served together with the Summons on Defendant's Counsel and the Chapter 7 Trustee by first class mail on September 22, 2008. Defendant has neither filed an Answer or appeared in this action. The Plaintiff has moved for a Judgment by Default, pursuant to Rule 55(b) of the Federal Rules of Civil Procedure, made applicable by Rule 7055 of the Federal Rules of Bankruptcy Procedure.

Based upon the foregoing and the files and pleadings in this matter, the Court finds that the Defendant is in default and that Plaintiff is entitled to a Judgment for the HCSB Debt, an Order declaring the HCSB Debt is non-dischargeable pursuant to 11 U.S.C. § 523, and an Order denying Defendant his discharge pursuant to 11 U.S.C. § 727.

Therefore, based upon the foregoing, it is hereby,

ORDERED that the Plaintiff shall have judgment against the Defendant in the amount of \$160,348.63 plus the costs of this action, that said HCSB Debt is excepted from discharge, and that Defendant is denied his discharge pursuant to 11 U.S.C. § 727.